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FILED
2018 NOV 16
KING COUNTY
SUPERIOR COURT CLERK

The Honorable Timothy A. Bradshaw
Note for Hearing: November 16, 2018
With Oral Argument

CASE #: 18-2-14942-8 SEA

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation,

Defendant.

NO. 18-2-14942-8 SEA
(Consolidated)

~~[PROPOSED]~~

**ORDER GRANTING DEFENDANT
CITY OF SEATTLE'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

1 THIS MATTER came before the Court on Defendant City of Seattle's Motion for
2 Partial Summary Judgment, and the Court having considered:

- 3 (a) The City's Motion,
4 (b) Declaration of Bob Ainsbury and exhibit thereto,
5 (c) Declaration of Gabriella Sanders and exhibits thereto,
6 (d) Declaration of Jodee Schwinn,
7 (e) Declaration of Monica Martinez Simmons and exhibit thereto,
8 (f) Plaintiff James Egan's Opposition,
9 (g) Plaintiff's last opposition, and
10 (h) The City's Reply;

11 and being familiar with the files and pleadings in this matter, and having heard oral argument
12 from counsel on November 16, 2018, is fully advised.

13 NOW, THEREFORE, Defendant City of Seattle's Motion for Partial Summary
14 Judgment is hereby **GRANTED** as follows:

15 1. ~~The legislative repeal of the Employee Hours Tax ordinance cannot be nullified~~
16 ~~under the Open Public Meetings Act, RCW 42.30 et seq. ("OPMA"), and nullification is not an~~
17 ~~available remedy in this lawsuit because~~ the June 12, 2018 Special Meeting of the Seattle City

18 Council complied with the OPMA. thus curing previous violations
19 (if any) of the OPMA. Accordingly, the Repeal stands.
20 ~~The Court does not have personal jurisdiction over individual Seattle City~~

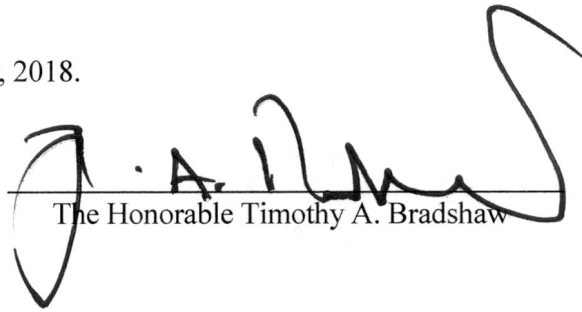
21 ~~Council Members who are not named parties and the Court cannot impose civil penalties or~~
22 ~~otherwise impose personal liability under RCW 42.30.120 on such individuals.~~

23 2. ~~The Court cannot~~ may impose civil penalties on individual Seattle City Council
24 Members with respect to the claims asserted by Plaintiff James Egan or otherwise impose
25 personal liability on such individuals under RCW 42.30.120 once they are named defendants.

26 3. ~~In addition to the threshold issue of personal jurisdiction, the question of~~
27 ~~personal liability for civil penalties under RCW 42.30.120 requires individualized findings of~~
~~knowledge and intent to violate OPMA, and there are no such findings on the present record.~~

1 **IT IS SO ORDERED.**

2 DATED this 16th day of November, 2018.

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5 The Honorable Timothy A. Bradshaw
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1 PRESENTED BY:

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